

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/530,122

Applicant(s)

NOMURA ET AL.

Examiner

MAHFUZUR RAHMAN

Art Unit

2438

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-6.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Taghi T. Arani/
Supervisory Patent Examiner, Art Unit 2438

/MAHFUZUR RAHMAN/
Examiner, Art Unit 2438

Continuation of 7: Claims 1-6 are examined and pending. Claims 1-6 are unchanged

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding claims 1-6 rejected under 35 U.S.C. 103(a) applicant argues:

“However, even if Lunt is somehow combined with Verma, the proposed combination still does not teach or suggest that first and second image data processing means have different security levels, and where an image data processing requesting means verifies a security level of the second image data processing means so that distributed processing can be performed by the second image data processing means, as claimed.”

The Examiner respectfully disagrees. In addition to Verma’s teachings, Lunt’s assertion of protection level for each trusted printer is clear enough to discern that peripherals devices have different security levels as cited in the claims as filed (Col. 3 lines 19-22: protection level for each trusted printer 131 135; Fig. 1: Peripheral Device 135 with Protection level 7-8, Device 132 with Protection level 1) .

Further, Lunt’s reference teaches performing distributed processing by a second image processing means (Col. 4 lines 8-15 and Col. 7 lines 10-17: Every print job sent by the identified one of the computers 121 123 to the server 110 may have a specified protection level, a minimum protection level and/or a maximum protection level. The print job for the document requiring forgery protection is then routed to the selected trusted printer for printing wherein the parameters in the selected trusted printer are set based on the determined protection level).

Therefore, as best understood from applicant’s disclosure and the claim language as filed, the reference of Verma at least when combined with the reference of Lunt disclose the claimed limitations and it would have been obvious to one of ordinary skill in the art to use the limitations as a predictable variance (see KSR, MPEP 2143) to create the claimed invention.

Accordingly, the claimed invention as a whole is at least prima facie obvious, especially in the absence of sufficient, clear, and convincing evidence to the contrary.